

APPROVED

# TOWN OF WESTFORD

## BOARD OF SELECTMEN

### MINUTES

**DATE:** October 12, 2004

**TIME:** 7:30 P.M.

**PLACE:** J.V. Fletcher Library

**PRESENT:** Robert Jefferies, Dini Healy-Coffin, Christopher Romeo,  
Allan Loiselle, James Silva

**OTHERS**

**PRESENT:** Steve Ledoux-Town Manager, Norman Khumalo-Assistant  
Town Manager, Audience Members

**Open Forum**

**Perchlorate Issue** – Silva reported that he spoke to Representative Geoff Hall about the perchlorate problem in Westford and the associated expenses. Hall has sent letters to the Executive Office of Environmental Affairs, the Department of Environmental Protection and has filed legislation to help with the clean up costs. Silva distributed a copy of Hall's letters and expressed his thanks to Rep. Hall. Jefferies referenced an editorial in the October 9<sup>th</sup> Lowell Sun newspaper that contained misstatements regarding a relationship between the Town and Tresca relative to blasting at the new highway garage. Jefferies pointed out that Tresca and Westford have no relationship. Jefferies felt that it is a newspaper's responsibility to do fact checking before printing a story or editorial.

**Public Hearing – Change of Manager, Applebee's Northeast, Inc.,  
Applebee's Neighborhood Bar and Grill, 152 Littleton Road**

Ledoux referenced a CORI report that the Board reviewed at the last meeting. Ledoux reported that the Police Chief reviewed the open matter and found it had been recorded in error. Attorney Barry Gerstein, representing Applebee's

Restaurant and Gary White, was present seeking a Change of Manager from David Abysalh to Gary S. White. Gerstein reported that White has been TIPS trained and has gone through extensive training with Applebee's.

**It was moved by Romeo, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to approve the Change in Manager.**

**Joint Meeting with Library Trustees to Fill Library Vacancy**

Ellen Rainville, Library Director and the Library Trustees were present to fill the unexpired term of the late Veronica Whitehouse. Sandra Kelly, Chairman of the Board of Library Trustees, reported that the Board of Trustees voted unanimously to nominate Marianne Fleckner for the joint appointment to fill the vacancy. There were no other nominations. **It was moved by Kelly, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to nominate Marianne Fleckner to fill the vacancy until the term expires in May, 2005.**

**Licenses and Permits**

**Custom Liquidators of America d/b/a Newton Oriental Rugs, Rug Sale, January 1 & 2, 2005, Franco American Club, 55 West Prescott Street.** Romeo stated that he had a problem with the Sales and Use License from the Department of Revenue dated 1992. **It was moved by Romeo, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to approve contingent upon the applicant showing a current and valid Sales and Use License or showing that they have State approval.**

**One Day License – Parish Center for the Arts Annual Wine Tasting Fundraiser, November 6, 2004, 7:00 pm – 11:00 pm.** **It was moved by Romeo, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to approve the one day license.**

**Election Officer Reappointments** – Request from the Town Clerk dated October 6, 2004 to reappoint election officers. **It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to reappoint Nicholas J. Johnson, Rosalie J. Johnson, Louise T. O'Donnell, and Dorothy F. Sullivan as election officers.**

**Stepinski Land Acquisition Team (SLANT) Reappointments** – The Board asked Ledoux to provide a list of committee members. Tabled to October 26, 2004.

**Permanent School Building Committee (PSBC) Appointment – Cheryl Klesaris.** **It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to appoint.**

**Presentation by Sam Frank on Chapter 40B Development Guidelines (Draft – Version 7.0)**

Sam Frank, Wheeler Lane, updated the Board on the draft version 7.0 of the Chapter 40B Development Guidelines. Frank reminded the Board that version 6.0 was approved by the Selectmen in July. Frank hoped to get the document adopted by the Town before more Chapter 40B projects come forward. Frank asked to withdraw Article 14 (Resolution on Comprehensive Permit Guidelines) until the Spring Town Meeting in order to get public input over the winter months. Frank asked for the Board's direction relative to whether the Zoning Board could make changes without going to Town Meeting but have public hearings and updates to the Selectmen. Loisel stated that he agreed with comments from a second board as he felt this document was similar to the Planning Board's Rules and Regulations. Loisel was concerned with the timing of delaying until the Spring Town Meeting given the potential for Chapter 40B projects coming in between now and springtime. Frank suggested bringing Version 8.0 to Town Meeting and allowing the committee to continue working. Silva (committee member) suggested making amendments on Town Meeting floor. Romeo was concerned that the public would not have all the information before Town Meeting. Romeo recommended waiting until Spring Town Meeting so that all boards could see version 8.0 and give the public an opportunity for input.

**It was moved by Healy-Coffin, seconded by Silva, and VOTED 4 IN FAVOR WITH 1 OPPOSED (Romeo), to take a position on Article 14 at Special Town Meeting.**

Ellen Harde, Town Moderator, pointed out that Article 14 is a Resolution; that only the Zoning Board can set guidelines; and that the amendments are irrelevant.

**Selectmen to Review Town Meeting Motions and Take Positions on Warrant Articles**

Jefferies read the list of warrant articles. The Board placed the following articles on hold: 2, 3, 9, 12, 14, 15, 16, 17, 18, 21 and 22.

**It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to support Articles 1, 4, 5, 6, 7, 8, 10, 11, 13, 19 and 20.**

**ARTICLE 2: FY 2005 BUDGET ADJUSTMENTS**

Ledoux distributed the budget adjustments pertaining to the library expenses, School Department energy and technology expenses and moving free cash from the Ambulance Enterprise and appropriating it to Ambulance Services for call EMTs.

Romeo asked if the Library could apply to the State for the missing funds to meet the State certification. Ellen Rainville, Library Director, stated that this money will help the Library meet the municipal regulations in order to be State certified. Rainville explained that in order to apply for a waiver from the State the paperwork must show financial distress.

Suzanne Marchand, Finance Director, outlined the updated budget worksheet. Marchand felt that the financial situation was better than predicted in May due to the certification of additional free cash, \$135,000 in municipal aid and \$78,000 FEMA reimbursement for snow and ice.

Margaret Murray, School Committee Chairman, stated that the School Department had no money in their Technology Fund. Bill Olsen, Assistant School Superintendent, distributed a priority list of technology needs. Murray outlined the need for additional funds for heating and utilities due to the rising cost of fuel, inaccurate meter readings at one school and the extremely cold winter last year. Murray indicated that it is the intent of the School Committee to put this money into a special fund and if it is not used by the end of the year, the money will be returned to the Town. Romeo asked if the School Committee discussed with the Finance Committee using some of the reserve fund. Kelly Ross, Chairman of the Finance Committee, stated that the School Committee did not ask for reserve funds nor could the reserve funds cover the entire costs.

**It was moved by Romeo, seconded by Silva, and VOTED UNANIMOUSLY, to support Article 2.**

**ARTICLE 3: COMPENSATION PLAN AMENDMENT**

Ledoux outlined the proposed changes to the Compensation Plan that would go into effect July, 2004. **It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to support Article 3.**

**ARTICLE 9: LAND ACQUISITION, TZIKOPOULOS PROPERTY, TYNGSBORO ROAD**

Romeo asked for an update regarding the possibility of the Westford Land Preservation Foundation (WLPF) taking over the Town's 61A option. Khumalo reported that he provided Nancy Rosinski, Chairman of WLPF, with different development options but has not heard back from her as yet. **It was moved by Loiselle, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to withdraw Article 9 and transfer our 61A option to the Westford Land Preservation Foundation.**

**ARTICLE 12: REDUCE AMOUNT RAISED BY TAXES IN FY 05**

Ledoux stated that this article depends on the actions of the other articles. The Board to take a position at Special Town Meeting.

**ARTICLE 14: RESOLUTION ON COMPREHENSIVE PERMIT GUIDELINES**

The Board to take a position at Special Town Meeting.

**ARTICLE 15: MAJOR COMMERCIAL AND MAJOR RETAIL PROJECTS DEFINITIONS**

The Board to take a position at Special Town Meeting. Mike Green, Chairman of the Planning Board, stated that the Planning Board will be holding a continued public hearing regarding Article 15 on Wednesday, October 13, 2004, at 7:30 p.m., Millennium School.

**ARTICLE 21: DRAINAGE EASEMENT CHESTNUT HILL SUBDIVISION**

Khumalo reported that the Planning Board is still considering this issue and has continued the public hearing to October 18, 2004. The Board to take a position at Special Town Meeting.

**ARTICLE 22: 52 BEAVERBROOK ROAD**

The Board to take a position at Special Town Meeting.

**Selectmen to Review Letter from Bruce Stephens, 3 Brian Drive, Concerning Trees on Beaver Brook Road**

Richard Barrett, Highway Superintendent, reported that Bruce Stephens complained to the Highway Department that a row of pine trees was causing a sight distance problem at the intersection of Christopher Road and Beaver Brook Road. The Highway Department trimmed some of the brush which improved the sight distance. Barrett reported that he also talked to the Police Chief and was told that there have been no accidents in the area. The Police have stepped up enforcement. Barrett also reported that the resident at the end of the street does not want the trees removed. Loiselle stated that the Planning Board should hold a public hearing on this matter.

**It was moved by Loiselle, seconded by Romeo, and VOTED UNANIMOUSLY, to request that the Planning Board hold a public shade tree hearing on this issue.**

Barrett stated that he would move forward with the Planning Board.

**Request for Waiver from Hiring Freeze – Assistant Town Engineer**

Khumalo reported that there have been a number of requests from developers to complete developments before winter. Khumalo stated that he wanted to move quickly to hire an Assistant Town Engineer. Jefferies suggested having a consultant do the work and charge the developers. Khumalo expressed an urgency of having an Assistant Town Engineer in place.

**It was moved by Loiselle, seconded by Romeo, and VOTED UNANIMOUSLY, to lift the hiring freeze for the Assistant Town Engineer position.**

### **West Street Drainage Easement Review and Discussion**

Request made by the resident at 38 West Street to relocate the drainage easement in order to install an addition to his home.

**It was moved by Loiselle, seconded by Silva, and VOTED UNANIMOUSLY, to approve.**

### **Franklin Property**

No report at this time.

### **Minutes**

**It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to approve the September 14, 2004 Executive Session minutes but NOT release to the public.**

**It was moved by Loiselle, seconded by Romeo, and VOTED UNANIMOUSLY, to approve the minutes of September 14, 2004.**

### **Board Reports/Updates**

**Comcast License Renewal** – Silva reported that the Communications Advisory Committee (CAC) and Comcast are very close to finalizing the license agreement.

**Stepinski Land Acquisition Negotiating Team (SLANT)** – Silva reported that the next SLANT meeting will be held on Wednesday, October 27, 2004 at 7:30 a.m.

**Teacher Negotiations** – Jefferies reported that the teacher negotiations have begun.

### **Old Business/New Business**

**Selectmen to Sign Warrant for Presidential Election** – It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to sign the warrant.

**Letter to the Water Department** – Romeo asked for a status report. Ledoux stated that the Water Department has not responded as yet.

### **Correspondence**

Jefferies read the list of correspondence.

10.2 Letter of Request re: JV Fletcher Library Meeting Room Usage and Requirements. Jefferies expressed concerns with the rules set forth regarding the usage of the room and the need to evacuate the building by 11:00 p.m. Jefferies stated that the space needed to be liberated from the library so that it could become town space. Loiselle and Romeo suggested meeting with the

Library Trustees to discuss the issue at a future meeting. Loiselles felt that the Millennium School could be an alternative meeting space.

10.3 Letter from Mary and Howard Meservey, 117 Groton Road re: Perchlorate. Jefferies took issue with the many misconceptions outlined in the letter. Jefferies rebutted several statements that were made regarding the Tresca blasting, the emergency regulations for monitoring perchlorate, the treatment of perchlorate and the location of the new highway garage. Jefferies felt that the letter continues to perpetuate those which are not the facts. Jefferies asked the Board if a letter of response to the Meservey letter was necessary. Loiselles felt that sending a letter just adds fuel to the fire making the Board of Selectmen an easy target for residents to vent their anger. Loiselles suggested that the best course is to proceed slowly and cautiously and work with DEP to try to find a solution. The Board concurred.

### **Vote to Go Into Executive Session**

The Board voted at 9:18 p.m. to go into Executive Session for the purpose of discussing negotiations with the Westford Superior Officers. Robert Welch, Police Chief, to attend. A polling of the Board: Jefferies-yes; Healy-Coffin-yes; Romeo-yes; Loiselles-yes; Silva-yes. The Board to reconvene at the end of the Executive Session for adjournment only.

### **Open Items**

10/12-1 Ledoux to request current license re: Custom Liquidators of America d/b/a Newton Oriental Rugs – Rug Sale – Jan. 1 & 2, 2005.

10/12-2 Ledoux to provide list of SLANT members for reappointment on 10/26/04.

10/12-3 Board to discuss meeting room usage rules with Library Trustees at future meeting.

10/12-4 Board to take position on Articles 12, 14, 15, 16, 17, 17, 21, and 22 at STM.

### **Reconvene to Regular Session**

The Board reconvened to regular session at 9:46 p.m.

### **Adjournment**

**It was moved by Healy-Coffin, seconded by Silva, and VOTED UNANIMOUSLY, to adjourn the meeting.**

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Steve Ledoux, Town Manager

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Robert Jefferies, Chairman